Annual Report and Annual Accounts of the Delhi Urban Arts Commission, New Delhi for the year 1995-96

THE MINISTER OF STATE IN THE MINISTRY OF URBAN AFFAIRS AND EMPLOYMENT AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (DR U. VENKATESWARLU) : I beg to lay on the Table :

(1) A copy of the Annual Report (Hindi and English versions) of the Delhi Urban Art Commission, New Delhi, for the year 1995-96, under section 19 of the Delhi Urban Art Commission Act, 1973.

(2) A copy of the Annual Account (Hindi and English versions) of the Delhi Urban Art Commission, New Delhi, for the year 1995-96, together with Audit Report thereon, under sub-section (4) of section 20 of the Delhi Urban Art Commission Act, 1973

[Placed in the Library, See No. LT-653/96]

Memorandum of Understanding between the Indian Oil Corporation Limited and the Ministry of Petroleum and Natural Gas for the year 1996-97.

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND NATURAL GAS (SHRI T.R. BAALU) : I beg to lay on the Table a copy of the Memorandum of Understanding (Hindi and English versions) between the Indian Oil Corporation Limited and the Ministry of Petroleum and Natural Gas for the year 1996-97.

[Placed in the Library, See No. LT-654/96]

12.01½ hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

First Report

SHRI SURAJ BHAN (Ambala) : I beg to present the First Report (Hindi and English versions) of the Committee on Private Members' Bills and Resolutions.

12.03¾ hrs.

BUSINESS ADVISORY COMMITTEE

Seventh Report

SHRIMATI GEETA MUKHERJEE (Panskura) : I beg to present the Seventh Report of the Business Advisory Committee.

12.01 hrs.

RE: ADJOURNMENT MOTION

[English]

SHRI JASWANT SINGH (Chittorgarh) : Mr. Speaker Sir, it is my painful duty to bring to your notice what we have been pressing for the past two or three days. This question of an Adjournment Motion arising from the failure of the Government to give a suitable direction in respect of the conduct of Governor as evidenced most recently by events in the State of Uttar Pradesh. I do believe that an extraordinary situation has arisen. It is a multi-dimensional situation which impinges on constitutional impropriety, on a perversally partisan interpretation of the Constitution, on an unforgivable denial to the electorate of that State from finding an expression to their democratic will. I am not. I will pre-empt the objection that could possibly be raised to it, moving this. I have not submitted this for your consideration. What I have submitted as an Adjournment Motion is not a duplication of what is already before the House. I am well aware that if the House is seized of an issue, then through the device of an Adjournment Motion, I cannot duplicate that very issue. Therefore, my Adjournment Motion is altogether a different concern. It is a concern centred on the failure of the Government and it is upon the failure of the Government that I will be concentrating. I am also not commenting on the role and conduct of His Excellency, the Governor of UP, however condemnable that role might be, however unforgivable that role might be or however violative of the Constitution that role might be because if I intend to comment on the conduct of any Governor for that matter, and in that sense, His Excellency, the Governor of UP, then I would have to come to that and knock at your doors with a substantive motion. That is not what I have done. I have come to you and sought your permission to raise an Adjournment Motion which is again centred on the failure of the Government. I have given notice about the failure of the Government and I wish to give a voice to it and explain where does that failure arise from. The failure arises on five or seven very fundamental issues with which I believe this House must be immediately concerned. It is a matter that is of immediate occurrence and if we do not give voice to it, the immediacy of that occurrence will go. If we do not give voice to our concern in this House, whilst the rest of the world is able to do it and comment can be made in the Press, comment can be made outside and the judiciary could be seized of the issue. Yet, this House cannot be seized of the issue. That is why, I have come to you with an appeal for an Adjournment Motion.

Why is the failure of the Government involved? It is principally involved under Article 355 in giving direction. Article 355 is very specific about this. It is the bounden duty of the Union Government on what grounds direction is to be given. Direction is to be given because —

Article 356 by itself to which recourse is being sought in the State of UP — Article 356 is a self-contained Article. Any proclamation under Article 356 cannot be continued beyond one year because there is a complete embargo. It is not a questionable embargo. It is not a conditional embargo. It is a complete embargo. The proclamation itself is *ultra vires*. The vires of the proclamation will be judged by the courts. It is the constitutional impropriety. The perversity of it and the failure of the Union Government to give direction that brings us to yor door.

Secondly, Sir, about this revocation of President's Rule, this is an extraordinary device that has been used. The revocation of President's Rule was a device. It was adopted to issue a fresh proclamation. Without any doubt whatsoever, it was a fraud on the Constitution. Why? Because there has to be — it is my submission — a popular Government before President's Rule can be imposed. Here, we have an extraordinary situation, where already there has been President's Rule and the President is finding fault with his own Rule and, therefore reimposing President's Rule. An extraordinary fraud has been played. The President has found with his own Rule. He revokes it and he reimposes President's Rule.

In the interregnum, I submit that it is vital that a popular Government comes into being. Whether the Government lasts in office or does not last in office, is not the Central issue. That is why we have come to your door.

Sir, I submit further as to where is the failure of this Government. The failure of this Government is that since that Assembly, duly constituted by the Chief Election Commissioner, was incapable of functioning, the question of transferring the legislative powers — as is inherent in reimposing the President's Rule — to the Parliament simply does not arise.

Further, here again, the Government's role comes into direct play and the Government's failure comes into direct play. His Excellency, the Governor of Uttar Pradesh by his self-admission did not explore all possibilities of forming a Government in that State and his action and the failure of this Government to give proper directions to that Government, have contributed to this completely unprecedented deadlock, that has arisen in our Constitutional and political history since Independence.

Permit me, Sir, to take a minute of your time to quote directly from the Governor's own submission, the Governor's own report. The Governor himself has said and this document is now in the possession of the House. I am quoting His Excellency, the Governor of Uttar Pradesh. No doubt, he is a very learned man. He says: "I have, therefore, not gone into the exercise of taking the initiative to have formal discussions with Party leaders." It is an extraordinary admission to make. And then, he makes equally, if not even more extraordinary assertion. About consultation, he suggests: "This would only encourage unnecessary speculation...". Speculation of what kind? "...and perhaps give further impetus to attemts at horse-trading and encouraging defections, etc." This is already taking place at alarming levels.

Sir, the function of the Governor of any State is to find options for the formation of a Government. It is not the function of the Governor to withdraw from that particular function. It is not given to the Governor. The Governor cannot withdraw from that which he is under an obligation to do. The Governor through self-admission has himself volunteered this information to this House that he did not explore the possibilities of forming a Government in Uttar Pradesh. Not only did he not explore the possibilities, the Union Government failed to give directions under Article 355 so that a proper Government could have been formed, violation of the Constitution prevented and this perversion of democracy avoided.

What is my other issue? My other issue is, the hon. Governor has pleaded an extraordinary logic. He has completely rejected the legitimacy of an elected legislature by going on to totally irrelevant material and not taking recourse to floor tests on the floor of the House which is the only test for establishing the majority of a Government or the failure of establishing the majority of a Government.

I submit that it is not necessary for me here to cite to you the by now famous and oft-repeated case which is called the Bommai Case. I find it ironic. But I do not refer to our sense of irony. I truly find it amazing that my friends who now adorn the Treasury Benches just a day before this incident had taken place, in the meeting convened by the hon. Prime Minister, each one of them said Article 356 has been misemployed at least a hundred times, each one of them in their political history has found fault with the misapplication of Article 356. I plead to my friends on the Left, I plead also to my friends of the DMK and others, remember for yourselves where you have stood on this issue that you now change your stance simply for political covenience, so that you can continue to occupy the benefit of Treasury Benches. It is a perversion of the Constitution. You are playing with a kind of perversion that certainly history will never forgive you for. This is a kind of double-speak of our friends with whom we have spent almost our entire political life. They today turn around and misuse Article 356 against us in UP. They themselves all along sat with us here for so many years and fought against the misuse of Article 356. I find it ironic. ...*(Interruptions)* I also understand my good friend Prof. Kurien's pain. I understand his anger because we have found fault with them earlier. I find that this once very great political party finds itself in a cleft stick. It does not know what to do. It wants to oppose the application of Article 356. Publicly you say that a wrong has been done. But yet, when it comes here you say something else. Either you say that a correct thing has been done in UP and go back on what your statements have been all this while or here at least in the House stand up for the

Constitution and for democratic propriety putting aside for a moment the partisanship.

SHRI SONTOSH MOHAN DEV (Silchar) : Our first priority is to keep them out of UP. not to spoil that State. That is the first priority.

SHRI JASWANT SINGH : I appreciate the admission made here that the first priority is to keep the BJP out. Even if the BJP gets the single largest party status, no matter what happens, even if the Constitution is to be perverted, even if all other issues were to be set aside, your only issue is to keep the BJP out. You will put aside the Constitution for that purpose. We simply cannot and I cannot accept this.

It is for this reason that I submit to you that the phraseology of my Adjournment Motion is very relevant. It refers to the failure of this Government. There is a constitutional compulsion to have an elected Government in the State of UP. That constitutional compulsion is being set aside, the democratic norms have been set aside, precedents have been set aside only for one reason, as my good friend Shri Sontosh Mohan Dev said, that BJP should not form the Government there. I submit to you that he therefore lends support to my submission for an Adjournment Motion. It is the failure of the Government under Article 355 to give a proper, suitable and timely direction, so that a truly elected Government in UP could be formed and the Governor could be directed.

Democracy for which we have struggled all these years would now be perverted in that State. You speak with a double voice; that is your choice. But this explanation does not satisfy us and because it does not satisfy us, we have pleaded with you that we wish to censure this Government. We wish to censure this Government through the only parliamentary device that is available to us, that is the Adjournment Motion. That is why I plead with you for the admission of our Adjournment Motion...*(Interruptions)*

[Translation]

SHRIMATI SUSHMA SWARAJ (South Delhi) : Mr. Speaker, Sir, here I would like to add somthing. You are aware that until...*(Interruptions)* please allow me to speak for five minutes only...*(Interruptions)*

[English]

SHRI SONTOSH MOHAN DEV (Silchar) : When the Business Advisory Committee met, it was agreed that Shri Jaswant Singh would be allowed to speak and he has been allowed to speak. Let this not go on any further...*(Interruptions)*

MR. SPEAKER : It is enough

[Translation]

SHRIMATI SUSHMA SWARAJ : I am asking for time, why are you doing so?...*(Interruptions)* Please listen our arguments first as to what is the subject of our Adjournment Motion. After listening us, you can raise question as you like...*(Interruptions)*Mr. Speaker, Sir, you have to give final ruling. Therefore, it is upto you whether you admit or reject our Adjournment Motion, but at least let us speak what we want to say. You may consider it.

[English]

MR. SPEAKER : I do not have your notice with me.

[Translation]

SHRIMATI SUSHMA SWARAJ : It is just like the mighty hits and permits no bewailing. Both the things are happening here...*(Interruptions)* Mr. Speaker, Sir, if you like, you may disagree with my argument ...*(Interruptions)*

[English]

MR. SPEAKER : You are a very disciplined Member.

[Translation]

SHRIMATI SUSHMA SWARAJ : Mr. Speaker, Sir, when was it decided that only Shri Jaswant Singh will speak...*(Interruptions)* And only this happened. You may say that this was not decided Mr. Speaker, Sir, in the mean time I could have spoken my point by now ...*(Interruptions)* Sir, Adjournment Motion has been given by our party...*(Interruptions)*

[English]

MR. SPEAKER : We have no time. It is not in your name.

[Translation]

SHRI GEORGE FERNANDES (Nalanda) : Mr. Speaker, Sir, the House has not been functioning for three days. They are not allowing to form the Government in U.P. and even after compromising with them you are not allowing us to speak for a few minutes in the House...*(Interruptions)*

SHRIMATI SUSHMA SWARAJ : Sir, is it your ruling? But you must listen our argument and allow us. This is just like mighty hits and does not permit bewailing. You must listen our argument. The Adjournment Motion ...*(Interruptions)*

[English]

MR. SPEAKER : No Madam, you have not given any notice. What can I do?

[Translation]

It is not the way.

SHRI GEORGE FERNANDES : Mr. Speaker, Sir, I would like to speak on it for two minutes. This is the question for the House. It is not for Shri Jaswant Singh. It is not a question to be settled after compromising with the people. This issue is under constitution and we are the members of this House. I would like to express my view in this regard. Please allow me to speak on it for a little time...*(Interruptions)*

SHRIMATI SUSHMA SWARAJ : Mr. Speaker, Sir, why are these people speaking. You have to decide why we want to move Adjournment Motion ...*(Interruptions)*

MR. SPEAKER : The House has to discuss Calling Attetion Motion moved by you.

SHRI GEORGE FERNANDES : All right. But that is a separate issue. It is not related to this...*(Interruptions)*

[English]

MR. SPEAKER : I cannot allow it.

SHRI GEORGE FERNANDES : I am not asking for a debate. I have only to make a submission.

[Translation]

Why these people are speaking. They are not required to speak. You should give us a chance to speak. These people are violating the Constitution. The Governor is sitting there and things are not going right ...*(Interruptions)*

[English]

You also have a responsibility to uphold the Constitution.

[Translation]

SHRIMATI SUSHMA SWARAJ : Mr. Speaker, Sir, it is not the question of U.P...*(Interruptions)*

SHRI GEORGE FERNANDES : Mr. Speaker, Sir, it is your responsibility to uphold the consititution ...*(Interruptions)*

[English]

Sir, you uphold the Constitution in this House. You allow me to have some say...*(Interruptions)*

MR. SPEAKER : Shri Jaswant Singh, I do not think that I can proceed like this. You have made your submission. I have to give my ruling now.

[Translation]

SHRIMATI SUSHMA SWARAJ : You are not even ready to listen our arguments. It is just like the mighty hits and permits no bewailing. *(Interruptions)*

SHRI GEORGE FERNANDES : In the morning they say that article 356 will not be imposed and in the evening they support it. They have made mockery of the consitution...*(Interruptions)* You had resorted to agitation for this very purpose and now using this as an instrument to kill the democratic set up...*(Interruptions)*

PROF. RASA SINGH RAWAT (Ajmer) : Give us a chance to say our point...*(Interruptions)*

SHRI GEORGE FERNANDES : If you have courage then pass a resolution in the House that all this will go there...*(Interruptions)*

[English]

Please allow me to say a few words...*(Interruptions)* You pass a resolution...*(Interruptions)*

[Translation]

SHRIMATI SUSHMA SWARAJ : *...*(Interruptions)*

[English]

MR. SPEAKER : You cannot take the name of the Governor. You are a senior Member and a former Minister ..*(Interruptions)*

MR. SPEAKER : I will sit here. You go ahead.

(Interruptions)

MR. SPEAKER : I am going to sit here the whole day.

(Interruptions)

MR. SPEAKER : You go on shouting. It would be very good for India. If you go on shouting like this, it would be very good for India and India would become a big country.

(Interruptions)

MR. SPEAKER : Is this the kind of responsibility shown by the Members of Parliament?

(Interruptions)

MR. SPEAKER : I am sorry. This is not the way to run the House. You run the House.

(Interruptions)

SHRI GEORGE FERNANDES : I am talking about Constitutional substance.

[Translation]

SHRIMATI SUSHMA SWARAJ : The way these people are behaving is going against the dignity of the nation India is the biggest Democratic country in the world...*(Interruptions)* You are not allowing us to explain as to how they have put a question mark to our Democracy...*(Interruptions)*

[English]

MR. SPEAKER : Please put off the television cameras. Television cameras will be put off. Nothing will go on record.

*(Interruptions)***

MR. SPEAKER : Will you listen to me?

(Interruptions)

MR. SPEAKER : Please listen to me.

(Interruptions)

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* Expunged as ordered by the Chair.

** Not Recorded.

MR. SPEAKER : The Motion stands in the name of Shri Atal Bihari Vajpayee, Dr. Murli Manohar Joshi, Shri Jawant Singh, Shri Pramod Mahajan, Shri Bangarappa and Shri Ram Naik. I was informed by your party that the Leader of the Opposition, Shri Vajpayee is indisposed today and so he would not be able to attend the House. Therefore, Shri Jaswant Singh should be allowed to move the Motion, after which the Speaker will give his ruling. That is the understanding. If you go back on that, how do we run the House?

(Interruptions)

SHRI GEORGE FERNANDES : Under what rule? ...*(Interruptions)*

MR. SPEAKER : I do not know that. That was the communication that I have got.

(Interruptions)

SHRI GEORGE FERNANDES : Under what rule such an understanding was arrived at?...*(Interruptions)*

MR. SPEAKER : I do not know, under what rules the Members are shouting? Under what rule the Members shout slogans?

(Interruptions)

SHRI GEORGE FERNANDES : Sir, the party Members are raising a matter of utmost public importance. This House was paralysed for three days and we would like to know the reason. The country also should know that...*(Interruptions)*

SHRI SONTOSH MOHAND DEV : Sir, Shri George Fernandes is a Member of the Business Advisory Committee ...*(Interruptions)* Let me finish. Time and again, when the hon. Speaker calls a meeting, we all come to the meeting, we discuss and we mutually come to some understanding. The leaders of various parties come to such an understanding; and I appreciate that it is difficult to abide by that *in toto*. There will be some situation when some Members will try to speak and supplement what the leaders have said. But if we ask here as to under what authority it has been done, it is difficult...*(Interruptions)* Let me finish.

SHRI GEORGE FERNANDES : Please do not misquote. I asked "Under what rule such an understanding was arrived at? I asked, "Under what rule? I did not not say that he did not have the authority. Hon. Speaker has the authority and I concede the Speaker's authority...*(Interruptions)*

SHRI SONTOSH MOHAN DEV : That was also raised in the House. That matter was also raised. I raise now, under what rule will he speak?...*(Interruptions)* I myself raise that; and ask the hon. Speaker as to under what rule, he would allow Shri Vajpayee to speak. I want to know that. Shri Vajpayee's name figure first to move that Motion.

Hon. Speaker said in the meeting that it was the convention that when an adjournment motion was to be rejected or accepted, - there is a convention that - one of the hon. Members who has moved, would be allowed to speak. We accepted that. We also accepted - as suggested by the representative of the BJP in that meeting - that the matter should be discussed. We have fixed the date and time for the discussion of the proclamation of the President's rule, that is, on Tuesday. Then, how are you saying that our mouths must not be shut, our rights should not be taken away? Your right has not been taken away and there will be a discussion.

Now you are questioning your own leader. The leader expressed something in the meeting when he himself was there. I do not blame and it is all right if some Members had said something probably in my absence. But let us not make it an issue of that situation and we should rise to the occasion. It is a chance for you to show on what matter you are after Shri Vajpayee. You come forward and say something.

SHRI JASWANT SINGH : Mr. Speaker, Sir, I would ordinarily not have referred to what took place in the Business Advisory Committee because it is never referred for. These are discussions that are held under your Chairmanship and while discussing, great many points are raised; the issue is discussed and then a decision is arrived at. But now that a reference has been made today, without refuting at all what you have said because what you say from the Chair is the rule of the House and there is no denying that. I did submit that we have a grievance and we wish to express that grievance by the methodology of an Adjournment Motion. This issue also came up that when the motion is there, why should it be an Adjounment Motion and I did even submit that the motion was different to the motion seeking approval of the House for proclamation, revocation, etc. of President's rule.

Then, if I might jog your memory, you also said that if Shri Vajpayee or Shri Jaswant Singh would raise it, then somebody from BSP and others might like to speak. To the best of my recollection, therefore, it was not that only I would speak. I think it is perfectly legitimate for others to speak. I coul well be mistaken becauese I remember Shri Sontosh Mohan Dev himself saying that if this issue is permitted to be raised in the House, then somebody from the BSP might like to say something ...*(Interruptions)*

SHRI SONTOSH MOHAN DEV : I would like the hon. Member to refresh his memory. At that time, Hon. Speaker said that he would not allow anybody. He gave a ruling also sitting in that Chair there...*(Interruptions)*

SHRI RUPCHAND PAL (Hoogly) : Yes. That was the agreement. It was also agreed that within half-an-hour, it would be finished. Now, you are retreating from your own commitment...*(Interruptions)*

SHRI JASWANT SINGH : We are entirely in your hands, Sir. We would accept what, of course, you would decide from the Chair. I did certainly request my

colleague saying if, after I have submitted my viewpoints, he had any additional submissions to make on the same subject, he may speak with the Hon. Speaker's consent. It is entirely possible that you can rule all this out but while ruling out, if other Members wish to either rebut what I am saying as indeed the entire Treasury Bench including my worthy esteemed friend from the Left now wishes to rebut like misappropriation or misuse of authority, etc. it does not matter. But if they wish not even to speak on the subject, it is also their choice. Sir, The question was should somebody wish to add to our pleas to you that an Adjournment Motion is merited. That was all. However, if you rule it out, of course, we will do what you will say. The House has to be run by what you would say.

MR. SPEAKER : Hon. Members, it is an Adjournment Motion which is governed by Rule 56 to Rule 63 of the Rules of Procedure. At this stage, the member who has given notice for moving an Adjournment Motion is seeking the consent of the Speaker to move the Motion. The Motion has not been moved. The hon. Member, Mr. Jaswant Singh, at this stage, is only seeking the consent of the Speaker to move the Motion. I have gone through the normal practice that at this stage, it is the Mover who will seek the consent and from the Government side, it is the Law Minister who will reply and then the Speaker will decide whether consent is to be given under Rule 56 or not. Therefore, Shri Fernandes, we are only at the stage of seeking the consent of the Chair. The Motion is not yet moved

SHRI GEORGE FERNANDES : I only want to persuade.

MR. SPEAKER : Why do you underestimate Shri Jaswant Singh that he is not capable of persuading me? Therefore, at this stage, the Mover of the Adjourment Motion is seeking the consent of the Chair. He has sought the consent. If the Government has anything to say on this, I will decide hear the Government and I will whether I will give the consent or not. If I give consent, there will be a debate and all of you can participate. Of course, that is the position of the rule. Is there anything from the Government side?

(Interruptions)

SHRI NIRMAL KANTI CHATTERJEE (Dumdum) : Sir in the meantime, you may kindly give the rule book to Shri George Fernandes.

MR SPEAKER : No, Shri Chatterjee. Let us not go into that.

(Interruptions)

SHRIMATI SUSHMA SWARAJ : Sir, I am on a point of order under Rule 56.

[Translation]

Mr. Speaker, Sir, I am on a point of order. Just now you have stated that under Rule 56, the Mover only seeks the consent...*(Interruptions)* While referring to Rule 56, you said that the Mover expresses his views for consent on the Adjournment Motion and if the Government has to say anything on this, you hear the Government and then decide whether to give your consent or not. The debate takes place only after your consent. But this House has its own conventions. I would like to remind you that during the last session, our party had given notice for Adjournment Motion on hike in prices of petroleum products for acceptance and it was discussed in detail. The hon'ble Speaker never gives his acceptance or rejection on an Adjournment Motion after hearing the Mover and the Law Minister only. The Adjournment Motion is debated later but at first, the discussion taken place on the propriety of the Motion. The arguments given in favour of this Adjournment Motion by Shri Jaswant Singh were sufficient to persuade you 50 percent. My arguments will raise it to 75 percent, then the arugments of Shri George Fernandes would raise it to 90 percent and finally, the Members of the BSP would raise it to hundred percent. I am not speaking on the Adjournment Motion but this debate is going on for seeking your acceptance. While supporting the views of Shri Jawant Singh, I would like to make two-three more points. This House has also debated the issue whether the Adjournment Motion should be accepted or rejected. If you permit, I will proceed further, otherwise, I would take my seat.

[English]

MR. SPEAKER : I will not completely disagree with the hon. Member. If the Speaker so desires, the Speaker can allow some other Members to speak on the issue. I am not disputing that point. But in conducting the business of the House, we are also governed that point. But in conducting the business of the House we are also governed by Rules 287, 288, 289, 290, etc., etc., which is the Business Advisory Committee.

The Business Advisory Committee is given the entire issue before the House all the notices that have been received and all the Government business that has been intimated. The Business Advisory Committee decide that they will recommend to the House that so much and so much time is to be allowed. So, that background has also to be taken into consideration. We have to discuss the air crash. We have to conclude the discussion about the cyclone that occurred in Andhra Pradesh. We have to discuss the Orissa drought situation. So many other things are pending. It was fully deliberated in the Business Advisory Committee. Therefore, it was a consensus among all the hon. Members of the Business Advisory Committee that this matter will be disposed of by the Speaker after hearing the mover and anything from the Government side. That was the understanding. Let us stick to that. I plead with you. Now, Mr. Minister.

(Interruptions)

[Translation]

SHRI BHAGWAN SHANKAR RAWT (Ajmer) : Sir, the Business Advisory Committee is not the final authority...*(Interruptions)* This issue should be debated. You have full rights to get a discussion held on this issue.

[English]

MR. SPEAKER : I say that it recommends to the House.

(Interruptions)

[Translation]

SHRI BHAGWAN SHANKAR RAWAT : The Members of this House wish that this issue should be discussed in detail. So, you should listen to us...*(Interruptions)* This convention has been in practice in this House earlier. Therefore, I request you to listen to the views of hon. Members.

MR. SPEAKER : What I am doing here?

SHRI BHAGWAR SHANKAR RAWAT : You are not listening.

MR. SPEAKER : What other business I have got here except listening to the views of Members?

SHRI BHAGWAN SHANKAR RAWAT : You please listen to Sushma ji as she wants to say something on it.

MR. SPEAKER : I am doing that only. I keep on listening to the views of the Members.

SHRI BHAGWAN SHANKAR RAWAT : You please listen to her so that you are fully satisfied.

[English]

MR. SPEAKER : The cameras can be on.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF TOURISM (SHRI SRIKANTA JENA) : Sir, I have gone through the notice of adjournment of Shri Jaswant Singh. The subject matter is failure of the Government to establish proper guideline for the conduct of Governors on the question of formation of Governments in States as evidenced by recent events in Uttar Pradesh.

First of all, the Government of India does not give any guidelines to the Governors so far as the formation of the Governments at the State level is concerned. The guidelines are already there in the Constitution itself.

[Translation]

SHRIMATI SUSHMA SWARAJ : There is no need of guidelines as you give directions.

SHRI SRIKANTA JENA : You first listen to it.

[English]

SHRIMATI SUSHMA SWARAJ (South Delhi) : You give them orders, you do not give them guidelines ...*(Interruptions)*

SHRI NIRMAL KANTI CHATTERJEE (Dumdum) : They say it from their thirteen days experience ...*(Interruptions)*

SHRI SRIKANTA JENA : The Constitution is the guideline for the Governors. The Constitution is the only guideline in regard to the formation of Governments at the State level. If you had 213 Members in the Uttar Pradesh Assembly, then the Governor would have invited you to form the Government. If you do not have the majority then you are not supposed to be invited for formation of the Government.

MR. SPEAKER : Do not go into the merits and demerits of the issue.

(Interruptions)

[Translation]

SHRIMATI SUSHMA SWARAJ : You are wrong. Have there not been minority Governments?...*(Interruptions)* Do we have no provision of minority Government. The Hon. Minister is not saying correct...*(Interruptions)*

[English]

SHRI SRIKANTA JENA : Sir, I oppose this Motion. We have already given notice in regard to the Resolution on the Proclamation of the President's Rule in Uttar Pradesh...*(Interruptions)* You had already decided in the BAC that this matter would be taken up on Tuesday itself...*(Interruptions)* The Government is not running away from the issue as is being apprehended by Shri Jaswant Singh. I oppose this Adjournment Motion.

[Translation]

SHRIMATI SUSHMA SWARAJ : Mr. Speaker, Sir, please tell him that he is saying incorrect ..*(Interruptions)*

[English]

Sir, you yourself were a Minister in the previous Government...*(Interruptions)*

MR. SPEAKER : Now, hon. Members, we have had enough on this. May I give my ruling on this?

Shri Atal Bihari Vajpayee, Leader of the Opposition, Dr. Murli Manohar Joshi, Sarvashri Jaswant Singh, Pramod Mahajan, S. Bangarappa and Ram Naik, gave notices of their intention for moving an Adjournment Motion regarding (i) alleged unconstitutional action of the Governor of U.P. and continuation of the President's Rule in that State; (ii) political and constitutional stalemate in U.P.; and (iii) failure of the Government to formuluate guidelines for the conduct of Governors in regard to formation of Governments in the States.

According to the provisions of Rule 56 of the Rules of Procedure and Conduct of Business in Lok Sabha, the motion for adjournment of the business of the House for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the Speaker.

As the Statutory Resolution seeking approval of the President's Rule in Uttar Pradesh has already been included in the List of Business, the Members would have an opportunity to raise the matter during the discussion on the Statutory Resolution. Rule 56 of the Rules of Procedure has to be read with rule 58 specifically. Rule 58, sub-rule 7 says and I quote :

> "The Motion shall not deal with any matter which is under adjudication by a court of law having jurisdiction in any part of India."

I want to inform the House that I have an official communication from the Government of Uttar Pradesh that so far as the constitutional validity of the Governor's action is concerned, the issue is already pending before the Allahabad High Court.

In view of these facts and after hearing the Members who have moved this Motion and the Minister for Parliamentary Affairs, I withhold my consent to these notices of Adjournment Motion.

[Translation]

SHRIMATI SUSHMA SWARAJ : The sub-judice matter is different.

[English]

MR. SPEAKER : Madam, thank you for your cooperation.

(Interruptions)

SOME HON. MEMBERS : Sir, what about the Zero Hour today?

MR. SPEAKER : The convention is that whenever there is an Adjournment Motion before the House, there is no Zero Hour. I am sorry.

(Interruptions)

MR. SPEAKER : Please listen to me. I want the consensus of the House.

(Interruptions)

[Translation]

MR. SPEAKER : Please site down.

SHRI RAJENDRA AGNIHOTRI (Jhansi) : Mr. Speaker, Sir seven persons have been killed in Jhansi as an oil tank caught fire there.

MR. SPEAKER : Yes, I know that. I have received your notice on it.

[English]

All the notices received for Zero Hour will stand valid for tommorrow.

As per the List of Business, we have to now take up the Calling Attention Motion and after that Matters Under Rule 377. The Prime Minister is then supposed to give reply to the discussion on Andhra Pradesh cyclone, which will be around 1430 hours.

(Interruptions)

MR. SPEAKER : Why don't you allow me to continue? I am in the midst of giving some information.

The Minister of Agriculture, who has listened to the entire debate and who has visited the site also, would like intervene before the Prime Minister gives a final reply. But since the same matter is to be discussed in the Rajya Sabha immediately after Lunch, you cannot expect the Minister to be at both the places at the same time. At 1600 hours he has to make a Statement on Orissa. So, my request is - if the House agrees - the Prime Minister can reply later on and before him the Minister of Agriculture may be allowed to intervene for 15 minutes. We can take up the Calling Attention Motion after that. The Minister's intervention will conclude by 1300 hours. We will then break for Lunch. At 1400 hours we can have the Calling Attention.

12.46 hrs.

DISCUSSION UNDER RULE 193

Situation arising from Cyclone in Andhra Pradesh

[Translation]

THE MINISTER OF AGRICULTURE (EXCLUDING THE DEPARTMENT OF ANIMAL HUSBANDRY AND DAIYRING) (SHRI CHATURANAN MISHRA) : Mr. Speaker, Sir, I am thankful to you and this House for providing me 15 minutes' time to speak. I would like to wind-up in 15 minutes and then the hon. Prime Minister would reply to it in detail.

12.47 hrs.

(Mr. Deputy Speaker *in the Chair*)

I thank all the Members who have taken part in this debate and given constructive suggestions. I thank you all for your criticism as it was in the right direction.

Mr. Deputy Speaker, Sir, hon. Members have raised several issues and given good suggestions regarding the Safety arrangements at the time of occrence of cyclone. I thank you all for this. Now, I would like to raise one point that...*(Interruptions)*